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APPLE INC.

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 MARC OPPERMAN, et al.,
13
14 Plaintiffs,
15 v.
16 PATH, INC., et al.,
17 Defendants.

Case No. 13-CV-00453-JST

**STIPULATION AND [PROPOSED] ORDER
REGARDING BRIEFING AND HEARING
DATES ON PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

THIS DOCUMENT RELATES TO ALL ACTIONS:

- Opperman v. Path, Inc.*, No. 13-cv-00453-JST
Hernandez v. Path, Inc., No. 12-cv-1515-JST
Pirozzi v. Apple, Inc., No. 12-cv-1529-JST
Gutierrez v. Instagram, Inc., No. 12-cv-6550-JST

1 The undersigned parties, through their counsel of record, stipulate as follows:

2 WHEREAS, on January 6, 2016, the Court ordered that Plaintiffs' motion for class certification
3 against Defendants Path, Inc. and Apple Inc. was to be filed on January 8, 2016, Apple and Path's
4 opposition brief was to be filed on March 3, 2016, and Plaintiffs' reply brief was to be filed on March
5 24, 2016, and set a hearing date and time of April 12, 2016 at 2:00 p.m. (Dkt No. 602);

6 WHEREAS, on January 8, 2016, Plaintiffs filed their motion for class certification (Dkt No.
7 609);

8 WHEREAS, Apple and Path requested that Plaintiffs produce for deposition the individual
9 plaintiffs who allege that they downloaded the Path app by February 5, 2016;

10 WHEREAS, on January 21, 2016, the Court referred all future discovery matters to Magistrate
11 Judge Joseph C. Spero for resolution (Dkt No. 622);

12 WHEREAS, on January 29, 2016, the parties met and conferred regarding their outstanding
13 discovery disputes and were heard by Judge Spero;

14 WHEREAS, Plaintiffs and Defendants have agreed that the depositions of Plaintiffs Cooley,
15 Carter, and Green will take place in San Francisco on February 9, 12, and 16, respectively;

16 WHEREAS, to accommodate the parties' ongoing discovery and preparations for briefing the
17 pending class certification motion, Plaintiffs and Defendants Apple and Path have agreed, subject to
18 Court approval, to continue the dates on which Apple and Path's oppositions to the pending motion for
19 class certification (Dkt No. 609) are due by 14 days from March 3 to March 17, and to continue the
20 date on which Plaintiffs' reply is due by 28 days from March 24 to April 21;

21 WHEREAS, Plaintiffs, Apple, and Path further request that the Court continue the hearing on
22 Plaintiffs' class certification motion from April 12 to May 10, or such other date convenient for the
23 Court; and

24 WHEREAS, on February 3, 2016, Magistrate Judge Joseph C. Spero issued an Order Regarding
25 Discovery Disputes (Dkt No. 635) recommending the parties' proposed amended briefing schedule and
26 hearing date;

27 **IT IS HEREBY STIPULATED AND AGREED**, between Plaintiffs and Defendants herein
28 that, subject to approval by the Court, the following deadlines will be amended as follows:

- 1 1. Defendants Apple and Path's opposition to Plaintiffs' motion for class certification,
2 previously due on March 3, 2016, shall be due on March 17, 2016;
- 3 2. Plaintiffs' reply to Defendants Apple and Path's opposition, previously due on March 24,
4 2016, shall be due on April 21, 2016; and
- 5 3. The hearing date previously set for April 12, 2016 at 2:00 p.m. on the issue of class
6 certification shall be continued to May 10, 2016 at 2:00 p.m., or such other date convenient
7 for the Court.

8 Respectfully submitted,

9
10 Dated: February 4, 2016

KERR & WAGSTAFFE LLP

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Dated: February 4, 2016

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Dated: February 4, 2016

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ATTORNEYS FOR DEFENDANT PATH, INC.

ATTESTATION

I attest that concurrence in the filing of this document has been obtained from the other signatories listed above.

Dated: February 4, 2016

HOGAN LOVELLS US LLP

By: /s/ Maren J. Clouse
Maren J. Clouse

ORDER

NOW, the parties by and through their respective counsel having stipulated, and for good cause shown, **IT IS ORDERED THAT:**

1. Defendants Apple and Path’s opposition to Plaintiffs’ motion for class certification is due on March 17, 2016;
2. Plaintiffs’ reply to Apple and Path’s opposition is due on April 21, 2016; and
3. The hearing date on Plaintiff’s pending class certification motion is set for May 31, 2016.

Dated: February 5, 2016

